

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 26562 of 2005(K)

PETITIONER:

P.P.MOHANAN, PAYIKKATTU, KAPRASSERY,
NEDUMBASSERY P.O., ERNAKULAM DISTRICT,
PIN-683 585.

BY ADV. SRI.P.RAMAKRISHNAN
SRI.T.C.KRISHNA

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
AGRICULTURE(DIARY), DEPARTMENT, THIRUVANANTHAPURAM
2. THE JOINT REGISTRAR(DIARY),
THIRUVANANTHAPURAM.
3. KAPRASSERY KSHEEROLPADAKA SAHAKARANA
SANGHAM NO.E.127(D), APCOS, NEDUMBASSERY,
ERNAKULAM, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.V.G.ARUN FOR R3
GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1- TRUE COPY OF RESOLUTION DATED 4.5.1992
- EXT.P2- TRUE COPY OF LETTER DATED 20.6.1992 SENT BY THE SOCIETY TO THE PETITIONER.
- EXT.P3- TRUE COPY OF ACKNOWLEDGEMENT GIVEN BY SRI.P.G.SATHEESAN TO THE PETITIONER DATED 3.7.1992
- EXT.P4- TRUE COPY OF MEMO DATED 23.12.1992
- EXT.P5- TRUE COPY OF EXPLANATION DATED 29.12.1992 SUBMITTED BY THE PETITIONER
- EXT.P6- TRUE COPY OF DISMISSAL ORDER DATED 23.7.1993
- EXT.P7- TRUE COPY OF ORDER OF THE 1ST RESPONDENT DATED 10.4.1995
- EXT.P8- TRUE COPY OF ORDER DATED 4.9.1995 OF THE 2ND RESPONDENT.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 26562/2005

Dated this the 9th day of January, 2007

JUDGMENT

The petitioner was the Secretary of the third respondent, Society. He was proceeded against for misconduct. As he was unsuccessful before the Joint Registrar, he preferred an appeal before the Government. He also obtained a direction from this Court in O.P. No.4236/1996, to raise all his contentions before the Government. Ext.P12 is the order of the Government dated 28.5.2005 disposing of the appeal.

2. During the pendency of the appeal, it is conceded by either side, that the third respondent had expressed no objection in reinstating the appellant, as the criminal case registered against him had ended in acquittal. Because of the submission of the counsel for the third respondent that they had no objection in reinstating the writ petitioner, the appeal was dismissed. The same is under challenge through this writ petition.

3. I have verified from the counsel for the third respondent that the latter had got no objection in reinstating the writ petitioner. However, the counsel submits that he is not sure whether the petitioner had been reinstated or not.

4. After hearing both sides and considering the facts that are placed before me, I direct the third respondent to reinstate the writ petitioner to the service, as Secretary, of third respondent, as conceded by them before the Government as well as before this Court, if he had not already been reinstated.

The writ petition is disposed of as above.

**J.M.JAMES
JUDGE**

mrCS